

REMARKS

Claims 11 – 18 have been examined. Claims 11 and 15 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 5,825,003 (“Jennings”) and Claims 12 – 14 and 16 – 18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Jennings in view of the web site:

<http://web.archive.org/web/19991012023035/paypal.com/about.html> (“Paypal”).

The rejections that rely on Paypal are believed improper because Paypal is not prior art to the application. The underlined portion of the web site above is believed to identify a date that it was captured by the Internet Archive Wayback Machine, i.e. on October 12, 1999. As further evidence that this is the date, Exhibit 1 provides a printout of the list of all pages at [www.paypal.com](http://www.paypal.com) captured by the Internet Archive Wayback Machine, the earliest of which is October 12, 1999. The priority date of this application under 35 U.S.C. §120 is May 10, 1999, as evidenced by the copy of the Filing Receipt included as Exhibit 2. To ensure that the correct priority date is considered during prosecution, the specification has been amended to include a specific reference to the priority application. Since Paypal is not prior art, at least Claims 12 – 14 and 16 – 18 are believed to be allowable.

Claim 11 has been amended to recite that the request is received over the Internet in response to and substantially contemporaneous with consummation of a transaction between the sender and recipient (*see* Application, p. 5, ll. 12 – 14 and p. 5, ll. 29 – 31). The combination of limitations in amended Claim 11 is neither taught nor suggested by Jennings, which is directed to a system for transferring funds between accounts in banking systems (Jennings, Col. 2, ll. 38 – 43). In particular, there is no disclosure or suggestion in Jennings of receiving a request for a transfer either over the Internet or in response to consummation of a transaction between the sender and recipient.

The rejection of Claim 15 is respectfully traversed. Claim 15 requires, *inter alia*, that the request include information on a payment instrument (such as a credit card, Application, p. 5, l. 27), that an authorization request to charge the payment instrument be sent, and that an authorization to charge the payment instrument be received. The bank-transfer applications disclosed in Jennings are not associated with a payment instrument and do not require authorization to charge a payment instrument. In making the rejection, the Office Action points to the following language as disclosing "authorization" (Office Action, p. 3):

It is an object of the invention to overcome the shortcomings discussed above with a system for transferring funds instantly to an account maintained in the same or another bank business through the use of a terminal such as an ATM, home banking phone, personal computer, conventional telephone or the like. The system according to the invention allows funds to be transferred to an account based on customer information which can be automatically accessed by the system, rather than needing to be manually entered. Further, the system automatically computes the appropriate exchange rate and any fees to be charged to the account and displays them to the user so that the user may authorize or cancel the transaction. The system also analyzes the parameters of the transfer to assure that the transfer conforms with pertinent government regulations. The system also enables the user to quantify the amount to be transferred in the currency of the originating account or the currency of the receiving account, thereby maximizing the flexibility of the system.  
(Jennings, Col. 2, ll. 37 – 56).

This language cited by the Office Action provides no disclosure or suggestion of those limitations related to the payment instrument, including providing no disclosure of sending an authorization request to charge the payment instrument nor any disclosure of receiving an authorization to charge the payment instrument. If any rejection is maintained on the basis of Jennings, Applicants request a specific articulation of what part of Jennings is believed to disclose the limitations related to the payment instrument. 37 CFR 1.104(c)(2).

Claims 19 and 20, depending respectively from Claims 11 and 15, have been added to recite that the recipient is a merchant (*see* Application, p. 5, ll. 8 – 11). They are believed to be allowable at least by virtue of their dependence from allowable independent claims.

Stephen Chin  
Application No.: 10/045,313  
Page 7

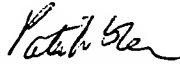
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
Patrick M. Boucher  
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
PMB:pmb  
DE 7100884 v1

Enter Web Address: All ☐

Take Me Back

Adv. Search Compare Archi

Searched for <http://www.paypal.com>

391 Results

Note some duplicates are not shown. [See all.](#)

\* denotes when site was updated.

## Search Results for Jan 01, 1996 - Apr 09, 2003

1996	1997	1998	1999	2000	2001	2002	2003
0 pages	0 pages	0 pages	4 pages	22 pages	109 pages	116 pages	0 pages
		<a href="#">Oct 12, 1999</a> *	<a href="#">Mar 02, 2000</a> *	<a href="#">Feb 24, 2001</a> *	<a href="#">Jan 24, 2002</a> *		
		<a href="#">Oct 13, 1999</a>	<a href="#">Mar 03, 2000</a> *	<a href="#">Feb 26, 2001</a>	<a href="#">May 29, 2002</a> *		
		<a href="#">Nov 04, 1999</a> *	<a href="#">Mar 03, 2000</a> *	<a href="#">Mar 01, 2001</a>	<a href="#">May 30, 2002</a>		
		<a href="#">Dec 04, 1999</a>	<a href="#">Mar 04, 2000</a>	<a href="#">Mar 02, 2001</a>	<a href="#">Jun 02, 2002</a>		
			<a href="#">Mar 08, 2000</a>	<a href="#">Mar 08, 2001</a>	<a href="#">Jun 03, 2002</a>		
			<a href="#">Apr 07, 2000</a>	<a href="#">Mar 31, 2001</a> *	<a href="#">Aug 03, 2002</a> *		
			<a href="#">Apr 08, 2000</a>	<a href="#">Apr 18, 2001</a>	<a href="#">Aug 04, 2002</a>		
			<a href="#">May 10, 2000</a>	<a href="#">May 04, 2001</a> *	<a href="#">Aug 05, 2002</a>		
			<a href="#">May 11, 2000</a>	<a href="#">May 15, 2001</a> *	<a href="#">Aug 06, 2002</a>		
			<a href="#">May 20, 2000</a> *	<a href="#">May 16, 2001</a>	<a href="#">Aug 07, 2002</a>		
			<a href="#">Jun 19, 2000</a>	<a href="#">May 17, 2001</a>	<a href="#">Aug 08, 2002</a>		
			<a href="#">Jun 20, 2000</a>	<a href="#">May 19, 2001</a>	<a href="#">Aug 09, 2002</a>		
			<a href="#">Jun 21, 2000</a>	<a href="#">May 21, 2001</a>	<a href="#">Aug 10, 2002</a>		
			<a href="#">Jul 06, 2000</a>	<a href="#">May 26, 2001</a> *	<a href="#">Aug 11, 2002</a>		
			<a href="#">Jul 11, 2000</a>	<a href="#">May 29, 2001</a>	<a href="#">Aug 12, 2002</a>		
			<a href="#">Aug 15, 2000</a> *	<a href="#">Jun 17, 2001</a> *	<a href="#">Aug 13, 2002</a>		
			<a href="#">Aug 16, 2000</a>	<a href="#">Jun 18, 2001</a>	<a href="#">Aug 14, 2002</a>		
			<a href="#">Oct 18, 2000</a>	<a href="#">Jun 20, 2001</a>	<a href="#">Aug 15, 2002</a>		
			<a href="#">Oct 18, 2000</a> *	<a href="#">Jun 22, 2001</a>	<a href="#">Aug 16, 2002</a>		
			<a href="#">Oct 18, 2000</a> *	<a href="#">Jun 30, 2001</a>	<a href="#">Aug 17, 2002</a>		
			<a href="#">Oct 19, 2000</a>	<a href="#">Jul 08, 2001</a> *	<a href="#">Aug 18, 2002</a>		
			<a href="#">Nov 09, 2000</a> *	<a href="#">Jul 12, 2001</a>	<a href="#">Aug 20, 2002</a>		
				<a href="#">Sep 24, 2001</a> *	<a href="#">Aug 21, 2002</a>		
				<a href="#">Sep 25, 2001</a>	<a href="#">Aug 22, 2002</a>		
				<a href="#">Sep 26, 2001</a>	<a href="#">Aug 23, 2002</a>		
				<a href="#">Sep 27, 2001</a>	<a href="#">Aug 24, 2002</a>		
				<a href="#">Sep 28, 2001</a>	<a href="#">Aug 25, 2002</a>		
				<a href="#">Sep 29, 2001</a>	<a href="#">Aug 26, 2002</a>		
				<a href="#">Sep 30, 2001</a>	<a href="#">Aug 27, 2002</a>		
				<a href="#">Oct 01, 2001</a>	<a href="#">Aug 28, 2002</a>		
				<a href="#">Oct 02, 2001</a>	<a href="#">Aug 29, 2002</a>		
				<a href="#">Oct 03, 2001</a>	<a href="#">Aug 30, 2002</a>		
				<a href="#">Oct 04, 2001</a>	<a href="#">Aug 31, 2002</a>		
				<a href="#">Oct 05, 2001</a>	<a href="#">Sep 01, 2002</a>		
				<a href="#">Oct 06, 2001</a>	<a href="#">Sep 03, 2002</a>		
				<a href="#">Oct 07, 2001</a>	<a href="#">Sep 04, 2002</a>		
				<a href="#">Oct 09, 2001</a>	<a href="#">Sep 05, 2002</a>		
				<a href="#">Oct 10, 2001</a>	<a href="#">Sep 06, 2002</a> *		
				<a href="#">Oct 11, 2001</a>	<a href="#">Sep 07, 2002</a> *		
				<a href="#">Oct 12, 2001</a> *	<a href="#">Sep 08, 2002</a>		
				<a href="#">Oct 13, 2001</a>	<a href="#">Sep 09, 2002</a>		
				<a href="#">Oct 14, 2001</a>	<a href="#">Sep 10, 2002</a>		
				<a href="#">Oct 15, 2001</a>	<a href="#">Sep 11, 2002</a>		
					<a href="#">Sep 13, 2002</a>		

<a href="#">Oct 16, 2001</a>	<a href="#">Sep 14, 2002</a>
<a href="#">Oct 17, 2001</a>	<a href="#">Sep 15, 2002</a>
<a href="#">Oct 18, 2001</a>	<a href="#">Sep 18, 2002</a>
<a href="#">Oct 19, 2001</a>	<a href="#">Sep 19, 2002</a>
<a href="#">Oct 20, 2001</a> *	<a href="#">Sep 20, 2002</a>
<a href="#">Oct 21, 2001</a> *	<a href="#">Sep 21, 2002</a> *
<a href="#">Oct 22, 2001</a>	<a href="#">Sep 22, 2002</a>
<a href="#">Oct 23, 2001</a>	<a href="#">Sep 24, 2002</a>
<a href="#">Oct 24, 2001</a>	<a href="#">Sep 25, 2002</a>
<a href="#">Oct 25, 2001</a>	<a href="#">Sep 27, 2002</a>
<a href="#">Oct 26, 2001</a> *	<a href="#">Sep 28, 2002</a>
<a href="#">Oct 26, 2001</a> *	<a href="#">Sep 29, 2002</a>
<a href="#">Oct 27, 2001</a>	<a href="#">Sep 30, 2002</a>
<a href="#">Oct 28, 2001</a>	<a href="#">Oct 01, 2002</a>
<a href="#">Oct 29, 2001</a>	<a href="#">Oct 02, 2002</a>
<a href="#">Oct 30, 2001</a>	<a href="#">Oct 03, 2002</a>
<a href="#">Oct 31, 2001</a>	<a href="#">Oct 04, 2002</a> *
<a href="#">Nov 01, 2001</a>	<a href="#">Oct 05, 2002</a> *
<a href="#">Nov 02, 2001</a>	<a href="#">Oct 06, 2002</a> *
<a href="#">Nov 03, 2001</a>	<a href="#">Oct 07, 2002</a>
<a href="#">Nov 04, 2001</a>	<a href="#">Oct 08, 2002</a>
<a href="#">Nov 05, 2001</a>	<a href="#">Oct 09, 2002</a>
<a href="#">Nov 06, 2001</a>	<a href="#">Oct 10, 2002</a> *
<a href="#">Nov 07, 2001</a>	<a href="#">Oct 11, 2002</a> *
<a href="#">Nov 08, 2001</a>	<a href="#">Oct 12, 2002</a>
<a href="#">Nov 09, 2001</a>	<a href="#">Oct 13, 2002</a>
<a href="#">Nov 10, 2001</a>	<a href="#">Oct 14, 2002</a>
<a href="#">Nov 11, 2001</a>	<a href="#">Oct 15, 2002</a>
<a href="#">Nov 12, 2001</a>	<a href="#">Oct 16, 2002</a>
<a href="#">Nov 13, 2001</a>	<a href="#">Oct 17, 2002</a>
<a href="#">Nov 14, 2001</a>	<a href="#">Oct 18, 2002</a>
<a href="#">Nov 15, 2001</a>	<a href="#">Oct 19, 2002</a>
<a href="#">Nov 15, 2001</a> *	<a href="#">Oct 20, 2002</a>
<a href="#">Nov 16, 2001</a>	<a href="#">Oct 21, 2002</a>
<a href="#">Nov 17, 2001</a>	<a href="#">Oct 22, 2002</a>
<a href="#">Nov 18, 2001</a>	<a href="#">Oct 23, 2002</a>
<a href="#">Nov 19, 2001</a>	<a href="#">Oct 24, 2002</a>
<a href="#">Nov 20, 2001</a>	<a href="#">Oct 25, 2002</a>
<a href="#">Nov 21, 2001</a>	<a href="#">Oct 26, 2002</a>
<a href="#">Nov 22, 2001</a>	<a href="#">Oct 27, 2002</a>
<a href="#">Nov 23, 2001</a>	<a href="#">Oct 28, 2002</a>
<a href="#">Nov 24, 2001</a>	<a href="#">Oct 29, 2002</a>
<a href="#">Nov 25, 2001</a>	<a href="#">Oct 30, 2002</a>
<a href="#">Nov 26, 2001</a>	<a href="#">Oct 31, 2002</a>
<a href="#">Nov 28, 2001</a>	<a href="#">Nov 01, 2002</a> *
<a href="#">Nov 29, 2001</a>	<a href="#">Nov 02, 2002</a> *
<a href="#">Nov 29, 2001</a> *	<a href="#">Nov 03, 2002</a>
<a href="#">Nov 29, 2001</a> *	<a href="#">Nov 04, 2002</a>
<a href="#">Nov 30, 2001</a>	<a href="#">Nov 05, 2002</a>
<a href="#">Dec 01, 2001</a>	<a href="#">Nov 06, 2002</a>
<a href="#">Dec 02, 2001</a>	<a href="#">Nov 07, 2002</a>
<a href="#">Dec 03, 2001</a>	<a href="#">Nov 08, 2002</a> *
<a href="#">Dec 04, 2001</a>	<a href="#">Nov 09, 2002</a> *
<a href="#">Dec 05, 2001</a>	<a href="#">Nov 10, 2002</a>
<a href="#">Dec 06, 2001</a>	<a href="#">Nov 11, 2002</a>
<a href="#">Dec 07, 2001</a>	<a href="#">Nov 12, 2002</a>
<a href="#">Dec 08, 2001</a>	<a href="#">Nov 13, 2002</a>
<a href="#">Dec 09, 2001</a>	<a href="#">Nov 14, 2002</a>
<a href="#">Dec 10, 2001</a>	<a href="#">Nov 15, 2002</a> *
<a href="#">Dec 11, 2001</a>	

<a href="#">Dec 12, 2001</a>	<a href="#">Nov 16, 2002 *</a>
<a href="#">Dec 13, 2001</a>	<a href="#">Nov 17, 2002</a>
<a href="#">Dec 14, 2001</a>	<a href="#">Nov 18, 2002</a>
<a href="#">Dec 15, 2001</a>	<a href="#">Nov 19, 2002</a>
<a href="#">Dec 16, 2001 *</a>	<a href="#">Nov 20, 2002</a>
<a href="#">Dec 17, 2001</a>	<a href="#">Nov 23, 2002</a>
	<a href="#">Nov 24, 2002</a>
	<a href="#">Nov 25, 2002</a>
	<a href="#">Nov 26, 2002</a>
	<a href="#">Nov 27, 2002</a>
	<a href="#">Nov 29, 2002</a>
	<a href="#">Nov 30, 2002</a>
	<a href="#">Dec 03, 2002</a>

---

[Home](#) | [Help](#)

[Copyright © 2001, Internet Archive](#) | [Terms of Use](#) | [Privacy Policy](#)